

Attorney Docket No. 2502440-991501

CERTIFICATE OF MAILING

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Gerry Ubau
Gerry Ubau

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Eugene M. Wolf

Serial No: 09/811,360

Group Art Unit: 3738

Filed: March 16, 2001

Examiner: Blanco, Javier G.

Title: **FACILE TOTAL SHOULDER ARTHROPLASTY APPARATUS AND METHOD**

REQUEST FOR REMOVAL OF SMALL ENTITY STATUS AND SUBMISSION OF DEFICIENCY OWED

Adjustment date: 09/03/2003 LUONDIH1
07702/2003 SZLUDIE1 00000035 09811360
01 FC:2201 -42.00 OP

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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SEP 09 2003
TECHNOLOGY CENTER R3700

Dear Sir,

It is respectfully submitted that the status as a small entity of the assignee of record in the above-identified application was inadvertently asserted in the payment of a fee for one excess independent claim. Applicant continues to have large entity status. Applicant respectfully requests removal of small entity status in this application.

It is moreover respectfully submitted that Applicant had the status of large entity at the time the extra claims fee was paid on June 25, 2003. Payment of the deficiency owed is enclosed herewith in the amount of \$42.00. The following two type of fee was erroneously paid as a small entity:

09/03/E003 LUONDIH1 00000016 09811360

01 FC:1201 84.00 OP

Gray Cary\SF\3092499.1
2502440-991501

Independent Claims in Excess of Three Under 37 C.F.R. 1.16(b)

The deficiency payment for this fee is calculated as follows:

1 additional independent claim x \$84.00 = \$84.00 (fee owed)

1 additional independent claim x \$42.00 = \$42.00 (erroneously paid June 25, 2003)

Deficiency owed amount = \$84.00 - \$42.00 = \$42.00

The total deficiency amount that is therefore owed is \$42.00.


A check in the amount of \$42.00 is enclosed together with PTO Form no.: PTO/SB/17 (Fee Transmittal for FY 2003).

The Commissioner is authorized to charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 07-1896. A duplicate page is enclosed.

Respectfully submitted,

GRAY CARY WARE & FREIDENRICH LLP

Dated: 8-27-03

By 

Andrew V. Smith
Reg. No. 43,132
Attorney for Applicant

GRAY CARY WARE & FREIDENRICH LLP
153 Townsend Street, Suite 800
San Francisco, CA 94107
Telephone: 415-836-2522
Facsimile: 415-836-2501

Customer No. 29585



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FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 42.00

Complete if Known

| | |
|----------------------|------------------|
| Application Number | 09/811,360 |
| Filing Date | March 16, 2001 |
| First Named Inventor | Eugene M. Wolf |
| Examiner Name | Javier G. Blanco |
| Art Unit | 3738 |
| Attorney Docket No. | 2502440-991501 |

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number 07-1896

Deposit Account Name Gray Cary Ware & Freidenrich, LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☐ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|------------------------|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1001 | 750 | 2001 | 375 | Utility filing fee | |
| 1002 | 330 | 2002 | 165 | Design filing fee | |
| 1003 | 520 | 2003 | 260 | Plant filing fee | |
| 1004 | 750 | 2004 | 375 | Reissue filing fee | |
| 1005 | 160 | 2005 | 80 | Provisional filing fee | |
| SUBTOTAL (1) | | | | | (\$) |

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | | Extra Claims | | Fee from below | | Fee Paid |
|--------------------|--|--------------|--|----------------|--|----------|
| Independent | | -20** = | | X | | |
| Multiple Dependent | | -3** = | | X | | |

| Large Entity | | Small Entity | | Fee Description |
|--------------|----------|--------------|----------|--|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | |
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 |
| 1201 | 84 | 2201 | 42 | Independent claims in excess of 3 |
| 1203 | 280 | 2203 | 140 | Multiple dependent claim, if not paid |
| 1204 | 84 | 2204 | 42 | ** Reissue independent claims over original patent |
| 1205 | 18 | 2205 | 9 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|--|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 130 | 1053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for ex parte reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month | |
| 1252 | 410 | 2252 | 205 | Extension for reply within second month | |
| 1253 | 930 | 2253 | 465 | Extension for reply within third month | |
| 1254 | 1,450 | 2254 | 725 | Extension for reply within fourth month | |
| 1255 | 1,970 | 2255 | 985 | Extension for reply within fifth month | |
| 1401 | 320 | 2401 | 160 | Notice of Appeal | |
| 1402 | 320 | 2402 | 160 | Filing a brief in support of an appeal | |
| 1403 | 280 | 2403 | 140 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable | |
| 1453 | 1,300 | 2453 | 650 | Petition to revive - unintentional | |
| 1501 | 1,300 | 2501 | 650 | Utility issue fee (or reissue) | |
| 1502 | 470 | 2502 | 235 | Design issue fee | |
| 1503 | 630 | 2503 | 315 | Plant issue fee | |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 750 | 2809 | 375 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 | 750 | 2810 | 375 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 | 750 | 2801 | 375 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |

Other fee (specify) Additional fee due

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 42.00

SUBMITTED BY

(Complete if applicable)

| | | | | | |
|-------------------|-----------------|-----------------------------------|---------|-----------|--------------|
| Name (Print/Type) | Andrew V. Smith | Registration No. (Attorney/Agent) | 43,132 | Telephone | 415-836-2522 |
| Signature | | Date | 8-27-03 | | |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

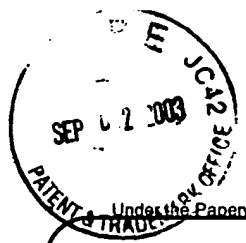
This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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\$ 3788



PTO/SB/21 (03-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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| | | | |
|---|----------------------|------------------------|----------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 09/811,360 | |
| | Filing Date | March 16, 2001 | |
| | First Named Inventor | Eugene M. Wolf | |
| | Art Unit | 3738 | |
| | Examiner Name | Javier G. Blanco | |
| Total Number of Pages in This Submission | 5 | Attorney Docket Number | 2502440-991501 |

| ENCLOSURES (Check all that apply) | | |
|---|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to a Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return-Receipt Postcard; Request for Removal of Small Entity and Submission of Deficiency Owed; |
| Remarks The Commissioner is authorized to charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 07-1896. A duplicate page is enclosed. Customer No. 29585 | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|--|---|
| Firm or Individual | Andrew V. Smith, Reg. No. 43,132 Gray Cary Ware & Freidenrich, LLP 153 Townsend Street, Suite 800, San Francisco, CA 94107-1907 |
| Signature | |
| Date | 8-27-03 |

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|---|------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 08-27-03 | |
| Typed or printed | Gerry Ubau |
| Signature | |
| Date | 8-27-03 |

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